

**DOCUMENT RESUME**

**C8003 - [C3288390]**

**[Maximum Amount of Reimbursement for Real Estate Expenses of Transferred Employee]. B-191485. November 21, 1978. 2 pp.**

**Decision re: James J. O'Hearn, Jr.; by Robert F. Keller, Deputy Comptroller General.**

**Contact: Office of the General Counsel: Personnel Law Matters II.**

**Organization Concerned: Interstate Commerce Commission.**

**Authority: F.T.R. (PPHR 101-7). F.P.M.R. Comp. Reg. A-11.**

**An advance decision was requested concerning the maximum amount of real estate expenses that may be reimbursed to a transferred employee. An amendment to travel regulations which increased the maximum amount of reimbursement allowable for a house sale applied only to transferred employees who reported to their new duty stations after June 1, 1977. Since the employee in question reported to his new station on June 20, 1976, his reimbursement was limited to the lower amount even though settlement on the sale of his former residence occurred on August 15, 1977. (HTW)**

*B. Jankov P111-2*

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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE: B-191485**

**DATE: November 21, 1978**

**MATTER OF: James J. O'Meara, Jr. - Relocation Expenses**

**DIGEST:** FTR was amended to increase maximum amount of reimbursement allowable for house sale from \$5,000 to \$8,000. Amendment specifically provided that it applied only to transferred employees who reported to their new duty stations after June 1, 1977. Where transferred employee reported to his new duty station on June 20, 1976, his reimbursement is limited to \$5,000 even though settlement on the sale of his former residence did not occur until August 15, 1977.

This action is in response to a request for an advance decision that was submitted by an authorized certifying officer of the Interstate Commerce Commission, concerning the maximum amount of real estate expenses that may be reimbursed to Administrative Law Judge James J. O'Meara, Jr.

Judge O'Meara was transferred from Evanston, Illinois, to Washington, D.C. He reported to his new duty station in June 1976. He was reimbursed a total of \$5,000 out of a claimed \$14,576.61 in real estate expenses incurred incident to the sale of his residence at his old duty station, in accordance with Federal Travel Regulations (FPMR 101-7) para. 2-6.2g (May 1973). That provision sets a limit of 10 percent of the sale price of the home or \$5,000, whichever is less, as the maximum reimbursement for house-sale expenses. Judge O'Meara's home sold for \$222,500.

Judge O'Meara contends that he should be allowed \$8,000 as maximum reimbursement since the limitation was raised to that amount by Federal Property Management Regulations, Temporary Regulation A-11, Supplement 4. That Supplement was issued April 29, 1977, and the settlement on the sale of Judge O'Meara's former residence took place on August 15, 1977.

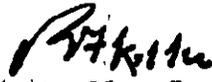
Paragraph 2b of Supplement 4 deals with the effective dates for its provisions very specifically. That paragraph provides that:

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"The provisions of attachment A to this supplement are effective for travel performed on or after June 1, 1977; however, for entitlement to the increased relocation allowances prescribed herein, an employee's effective date of transfer; i.e., the date the employee reports for duty at a new official station, must be on or after June 1, 1977."

The language of the above provision is very clear and unambiguous, in order to be eligible for any increased benefits that might be granted by Supplement 4, a transferred employee must have reported to his new duty station after June 1, 1977. Since Judge O'Meara reported to his new duty station on June 20, 1976, he may not have the maximum reimbursement allowed to him increased to \$8,000 as authorized by Supplement 4.

Accordingly, the \$5,000 already paid to Judge O'Meara is the proper amount and no further reimbursement is due him.

  
Deputy Comptroller General  
of the United States